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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR  | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|-----------------------|---------------------|------------------|
| 09/990,084      | 11/21/2001  | Richard Wayne Cheston | RPS9 2001 0173      | 1274             |

25299 7590 06/08/2004

IBM CORPORATION  
PO BOX 12195  
DEPT 9CCA, BLDG 002  
RESEARCH TRIANGLE PARK, NC 27709

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| EXAMINER |
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ELAMIN, ABDELMONIEM I

|          |              |
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| ART UNIT | PAPER NUMBER |
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2116

DATE MAILED: 06/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/990,084

Applicant(s)

CHESTON ET AL.

Examiner

A Elamin

Art Unit

2116

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/21/2001.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Double Patenting*

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CAR 1.321© may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CAR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CAR 3.73(b).

2. Claims 1-22 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-30 of copending Application No. 09/990,003. Although the conflicting claims are not identical, they are not patentably distinct from each other because they recite means or steps that are substantially the same and that would have been obvious to one of ordinary skill in the art.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

3. Claims *1, 7, 13 and 20* essentially repeat most of the features listed in claims *1, 6, 11, 16, 21 and 26* of copending Application No. 09/990,003. With the exception of the trivial difference of one saying a BIOS system and the other saying an operating system.

4. Claims *3-6* of the instant application are identical to claims *2-5 and 17-20* of the copending application No. 09/990,003.

5. Claims *9-12* of the instant application are identical to claims *7-10 and 22-25* of the copending application No. 09/990,003.

6. Claims *15-18* of the instant application are identical to claims *12-15 and 26-30* of the copending application No. 09/990,003

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim, US. Pat. No. 6,014,616.

9. Claims 1-2, 7-8 and 13-14, Kim teaches a method for configuring an operating system in a computer system [*title, abstract*], the method comprising the steps of:

- a. providing a plurality of operating system images in the computer system, each of the plurality of operating system images being based upon a particular language [*abstract, col. 2, line 56 thru col. 3, line 13, col. 5, lines 26-40*];
- b. selecting one of the plurality of operating system images based on the language supported by the computer system [*abstract, col. 2, line 56 thru col. 3, line 13, col. 5, lines 26-40*];
- c. utilizing the selected operating system image by the computer system [*Fig. 3, col. 4, line 19 thru col. 5, line 13*].

Kim fails to teach configuring the language of a BIOS.

However, Examiner asserts that these types of limitations are considered field of use, and are not patentably distinct. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the method of Kim in configuring the language of a BIOS, because it provides for a multi-lingual computer interface [*see Kim, col. 1, lines 15-37*].

10. Claims 3, 9 and 15, Kim teaches querying a keyboard of the computer system to determine the language being supported by the computer system [*abstract, col. 2, line 56 thru col. 3, line 13, Fig. 3, col. 4, lines 19-67*].

11. Claims 4, 10 and 16, Kim fails to teach the keyboard comprises a universal serial bus (USB) keyboard.

Official Notice is taken that both the concept and the advantages of USB keyboards are old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kim to include a USB keyboard, because the USB has the advantages of a lower cost, supporting a plurality of transmission protocols, more connections and occupying less system resources.

12. Claims 5, 11, 17 and 20, Kim teaches the keyboard comprises at least one report descriptor wherein the at least one report descriptor comprises a language supported by the computer system [*abstract, col. 2, line 56 thru col. 3, line 13, Fig. 3, col. 4, lines 19-67*].

13. Claims 6, 12, 18-19 and 21, Kim teaches the querying the at least one report descriptor to determine the language supported by the keyboard [*abstract, col. 2, line 56 thru col. 3, line 13, Fig. 3, col. 4, lines 19-67*].

14. Claim 22, Kim fails to teach the keyboard comprises a universal serial bus (USB) keyboard.

Official Notice is taken that both the concept and the advantages of USB keyboards are old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kim to include a USB keyboard, because the USB has the advantages of a lower cost, supporting a plurality of transmission protocols, more connections and occupying less system resources.

#### ***Conclusion***

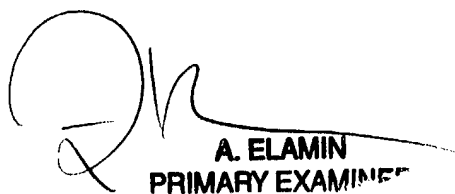
Any inquiry concerning this communication or earlier communications from the examiner should be directed to A Elamin whose telephone number is (703)305-3804. The examiner can normally be reached on MON-FRI 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on (703) 308-1159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A Elamin  
Primary Examiner  
Art Unit 2116

May 30, 2004



A. ELAMIN  
PRIMARY EXAMINER